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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,624	03/22/2001	Arthur Cantu	ARC920000127US1	6270

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MARK D. MCSWAIN  
IBM ALMADEN RESEARCH CENTER, IP LAW DEPT.  
650 HARRY ROAD  
CHTA/J2B  
SAN JOSE, CA 95120

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/814,624

Applicant(s)

CANTU ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the response filed on 14 October 2004.
2. Claims 1-31 have been examined.

## **RESPONSE TO ARGUMENTS**

3. Applicant's arguments received on 14 October 2004 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the Applicant's assertions that the prior art of record does not fairly teach or disclose each and every limitation contained within the claims, it appears as if the Applicant is reading limitations into the claims from the specification. Consequently, the points argued are not recited in the claims themselves. For that reason, a solid argument in their contemplation cannot be established. Subsequent amendments to the claim language that would include the positions presented by the Applicant's arguments would provoke the Examiner to address the claims

individually and as a whole, in light of the remaining limitations as well as the specification. Until such amendments are rendered, the arguments are disregarded and will not be countered.

In summary, the Examiner has taken the broadest and most reasonable interpretation of the claim limitations as written, in light of the specification. Although the specification may contain recitations of intended use, alternative points of view and subjective interpretative differences between the prior art of record and the present invention as premeditated, it is the claims themselves that are given patentable weight only inasmuch as they are constructed. Because the claims have been painted with the broad stroke of petitioning for an invention that encompasses more than is asserted in the Applicant's remarks and rebuttals, the prior art of record continues to fully disclose the Applicant's inventions *as claimed*.

With regard to the limitations of claims 1, 12, and 23, Applicant argues that did not conceive the separation of enrollment and ticket information and handling as taught and claimed in the present invention. Applicant believes, albeit erroneously that The Examiner asserts in reference to Ginter that "digital enrollment", "digital ticket" and "VDE objects" are interchangeable, descriptive terms. This is not the case as Ginter discloses enrollment/registration steps in at least column 184 lines 21+, the use of digital payment tokens for secure electronic commerce (see at least column 14, lines 49+), and the utilization of digital tickets for password validation (see at least column 130, lines 34+), each operating independently and separately within the umbrella of the VDE environment.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al, US Patent No. 5,892,900.

**Claims 1, 12, 23:**

Ginter discloses:

- exchanging encryption keys (Fig 14B, 17-22, associated text; C207, L44-60; C209, L24-27; C210, L14-30; C212, L25-59; C213, L7-13; C214, L1-7; C214, L41-C215, L6; C215, L17-29; ) among a first entity, second entity, third entity, and a fourth entity (Fig 77, 78, 86A; associated text; Fig 77: "VDE User One" (first entity); "Client Administrator"(second entity); "VDE Content Creator" (third entity); "WIDE Right/Distributor" (fourth entity); Fig 86A: "User, Corporate Content Repository, Creator, Commercial Content Repository"),
- wherein each entity has one relationship with one other entity;
- wherein the encryption keys are exchanged pursuant to the relationships;
- encrypting with the encryption keys electronic messages concerning digital enrollments ("VDE Objects") to provide to the first entity, wherein the digital enrollment is associated with at least one digital ticket ("VDE Object") that

authorizes access to a resource managed by the fourth entity, wherein presentation of the digital enrollment causes the presentation of one digital ticket associated with the digital enrollment to authorize the first entity to access the resource (see all above citations).

**Claims 2, 13, and 24**

Ginter further discloses (see all above citations)

- the first entity and the second entity have a first relationship such that the first entity is associated with the second entity and wherein the second entity and third entity have a second relationship through which entities associated with the second entity can access resources managed by the fourth entity.

**Claims 3, 14, and 25:**

Ginter further discloses (see all above citations)

- the third entity and fourth entity have a third relationship through which the fourth entity makes managed resources available to entities designated by the third entity.

**Claims 4-10,15-21, and 26-30:**

Ginter further discloses all the limitations of these claims.

In Ginter's VDE system, VDE objects will be encrypted using symmetric key cryptosystems, public-key (PK) cryptosystems, or on a combination thereof (Col 207, lines 4455). For secure communications between the nodes of Ginter's VDE network, the preferred embodiment uses PK cryptosystems (Col 207, lines 56-60). In addition, each node in Ginter's system will have the capability to generate cryptographic keys and other information that are only

known to it and other authorized nodes, such keys to be used to encrypt transmissions between said nodes within the network (Col 209, lines 24-27; Col 210, lines 14-30; Col 215, lines 17-29).

The limitations cited in claims 4-10, 15-21, and 26-30 point to features and functions relating to cryptographic methods that are inherent in Ginter's invention, wherein a system, method, article of manufacture and computer usable media for managing resources further comprise:

- [claims 4 and 15] transmitting, with the fourth entity, the fourth entity encryption key to the third entity; transmitting, with the third entity, the third entity and fourth entity encryption keys to the second entity after receiving the fourth entity encryption key from the fourth entity; and transmitting, with the second entity, the second entity, third entity, and fourth entity encryption keys to the first entity after receiving the third entity and fourth entity encryption keys from the third entity.
- [claims 5 and 16] transmitting, with the first entity, the first entity encryption key to the second entity; transmitting, with the second entity, the first entity and second entity encryption keys to the third entity after receiving the first entity encryption key from the first entity; and transmitting, with the third entity, the first entity, second entity, and third entity encryption keys to the first entity after receiving the first and second entity encryption keys from the second entity.
- [claims 6, 17, and 26] using, with the second entity, the first entity encryption key received during the exchange of encryption keys to encrypt a message including at least one digital enrollment to the first entity that the first entity can use to access the resource; and using, with the first entity, the second entity encryption key received during the exchange of encryption keys to decrypt the message received from the second entity providing the digital enrollment.

- [claims 7, 18, and 27] using, with the second entity, the second entity encryption key to encrypt the message including the digital enrollment before encrypting the message with the first entity encryption key.
- [claims 8, 19, and 28] using, with the first entity, the encryption key of the fourth entity received during the exchange of encryption keys to encrypt a message including the digital enrollment to access the resource managed by the fourth entity; and using, with the fourth entity, the first entity encryption key received during the exchange of encryption keys to decrypt the message received from the first entity providing the digital enrollment.
- [claims 9, 20, and 29] exchanging the encryption keys with a fifth entity (Ginter, Fig 77: "Financial Clearinghouse"; associated text; see all above citations), further comprising: maintaining, with the fifth entity, a mapping of digital enrollment to associated digital tickets; using, with the first entity, the encryption key of the fifth entity received during the exchange of encryption keys to encrypt a message including the digital enrollment to transmit to the fifth entity; using, with the fifth entity, the first entity encryption key received during the exchange of encryption keys to decrypt the message received from the fifth entity providing the digital enrollment; processing the mapping to determine the digital tickets associated with the received enrollment; and using, with the fifth entity, the first entity encryption key received during the exchange of encryption keys to encrypt a message including the digital tickets to transmit to the first entity to use to access the resource from the fourth entity.
- [claims 10, 21, and 30] using, with the first entity, the encryption key of the fourth entity received during the exchange of encryption keys to encrypt a message including the digital ticket received from the fifth entity to send to the fourth entity; and using, with the fourth entity, the first entity encryption key received during the



exchange of encryption keys to decrypt the message received from the first entity providing the digital tickets; granting, with the fourth entity, the first entity access to the resource if the digital ticket included in the decrypted message authorizes access to the resource.

**Claims 11, 22, and 31:**

Ginter further discloses (C1, L52-55; C284, L55-67)

- the resource consists of a resource that is a member of the set of resources comprising: data, computer programs, and control of an electromechanical machine.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

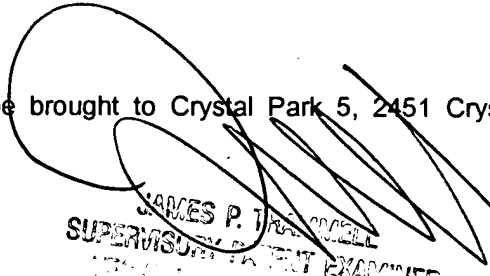
**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

02 December 2004

  
JAMES P. TRAMMELL  
SUPERVISOR  
PATENT EXAMINER  
DEC 2 2004